



# Memo

Date: April 6, 2023

To: Members of the State Coastal Conservancy

From: Amy Hutzal, Executive Officer

CC: Oversight Members

RE: Delegation of Additional Authority to Conservancy's Executive Officer

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To improve the efficiency of Conservancy meetings and staff work, staff recommends that the Conservancy delegate additional authority to its Executive Officer. The Executive Officer acts under a comprehensive set of authorities delegated in 2001 and various authorities related to specific circumstances delegated between 2001-2015. Staff recommends the delegation of three additional authorities: increase the consent calendar maximum to \$500,000, authorize the Executive Officer to disburse funds that have been provided to the Conservancy by state and federal agencies for projects for which the Conservancy previously authorized funding, and authorize the Executive Officer to disburse funds and enter into agreements to manage and maintain Conservancy-owned properties. A resolution providing these three additional delegations is set forth below, followed by a more detailed explanation of purpose and benefit of each of these delegations.

## RECOMMENDED RESOLUTION

Staff recommends the Conservancy adopt the following resolution:

Resolution:

On September 25, 2001, the Conservancy adopted a comprehensive list of authorities delegated to its Executive Officer ("Delegated Authority"). The Conservancy desires to modify and augment the Delegated Authority.

The State Coastal Conservancy hereby delegates the following authority to the Executive Officer:

1. The Executive Officer may place on the Conservancy's public meeting consent calendar

items involving the expenditure of no more than \$500,000 (five hundred thousand dollars) about which no controversy is evident.

2. Notwithstanding the limitation on expending funds received by the Conservancy as set forth in paragraph 4 of the Delegated Authority, upon receipt of grant or other funds from state or federal entities, the Executive Officer may expend such funds for the purposes for which they were paid to the Conservancy if such expenditures are for projects for which the Board has previously authorized funding and do not require adoption of findings under the California Environmental Quality Act (CEQA). On an annual basis, the Executive Officer shall report to the Conservancy all projects funded pursuant to this authorization.
3. The Executive Officer may take all actions necessary for management or maintenance of Conservancy-owned real property, including easements, if such activities do not require adoption of findings under the California Environmental Quality Act (CEQA). Such actions include entering into grants, contracts for goods and services, and other agreements, and expending funds of any amount for land management and maintenance needs.

#### JUSTIFICATION FOR ADDITIONAL DELEGATIONS

1. Increase consent calendar maximum amount.

Staff recommends increasing to \$500,000 the maximum expenditure amount for placing items on the consent calendar. The Executive Officer currently has authority to place on the consent calendar grants and other items that involve the expenditure of no more than \$250,000, as long as they are not controversial.

With the recent significant investment of state funds for Conservancy projects and the addition of wildfire projects, Conservancy agendas have been getting longer. In addition, project costs have increased due to inflation, resulting in higher grant amounts with more recommended grants exceeding \$250,000.

Raising the expenditure amount for the consent calendar will allow the Conservancy to place more non-controversial items on consent, allowing it to move through its meeting agendas more quickly and prevent meetings from becoming longer. Placing more items on consent will also reduce the amount of staff time spent on Conservancy meetings because staff with projects only on consent calendar do not need to attend the meeting. Conservancy board members will continue to have the option to request that a matter be moved off the consent calendar to be considered as a regular calendar item with a separate vote.

2. Disburse funds provided by state and federal agencies.

Staff recommends that the Conservancy give the Executive Officer authority to disburse funds received from state and federal agencies provided that: 1) the disbursements are for projects for which the Board has previously authorized funding, 2) findings under the California

Environmental Quality Act ("CEQA") are not required, and 3) the Executive Officer identifies all such disbursements in an annual report to the board.

Under the current delegated authority, the Executive Officer can solicit and accept funds from other entities. Project staff have been very successful at applying for outside funds. Most of these are federal and state grants for Conservancy projects for which the Conservancy board has already authorized funds and made findings under CEQA. Although most forms of outside funds are grants, sometimes other state agencies provide funds in the form of in-lieu fees to mitigate development impacts.

Obtaining outside funds adds significant workload for staff to apply for, or negotiate receipt of, the outside funds, obtain Conservancy authorization to disburse the outside funds, and subsequently manage use of the outside funds. When grants are awarded to the Conservancy for an ongoing project, the need to obtain Conservancy authorization to disburse the grant means the project has to be scheduled for another board meeting, which can delay the project. The proposed delegation will help keep staff workloads manageable, reduce delays in applying external grant funds to Conservancy projects, and incentivize staff efforts to apply for and manage external grants.

This proposed delegation requires the Executive Officer to make an annual report to the Conservancy board identifying all state and federal funds disbursed during the year pursuant to this authority. This annual report could be included in the annual financial report to the Board.

### 3. Manage and maintain Conservancy properties.

Staff recommends that the Conservancy give the Executive Officer the authority to enter into agreements and spend funds necessary to manage and maintain Conservancy-owned lands to the extent such management and maintenance activities do not require adoption of findings under CEQA. The Executive Officer has delegated authority to enter into contracts up to \$200,000 for Conservancy projects and programs. The proposed delegation is to provide broader authority to take actions to manage and maintain Conservancy properties, including contracting for services costing more than \$200,000, granting funds to nonprofit organizations that seek to open and manage Conservancy lands for the public, and entering other types of agreements for management of Conservancy lands.

The Conservancy owns fee title to 20 properties. These include the Hamilton Wetlands Restoration Project site (including the Bel Marin Keys Unit V site) in San Rafael, Pedro Point in Pacifica, Moat Creek in Mendocino County, Ormond Beach in Oxnard, and other smaller properties. The Conservancy also owns approximately 200 easements for public access and/or conservation. Many of these easements are for small areas, most are not improved for public access, and the Conservancy is typically not responsible for management or maintenance of these lands.

The Conservancy-owned lands, especially those owned in fee title, require periodic maintenance and management, sometimes unexpectedly. Examples include tree trimming and removal at Pedro Point, trash pick-up and trail maintenance of the San Francisco Bay Trail segment at the Hamilton Wetlands Restoration Project, installation of directional signage at Bel Marin Keys, and installation of accessibility improvements to public accessways. These activities

are typically exempt from CEQA requirements and therefore do not require adoption of findings.

Having authority to take such actions without board authorization will reduce staff work and allow staff actions more quickly. Restoration, enhancement, and construction projects on Conservancy-owned lands are not within the scope of this delegation; these would continue to require board authorization for funding and typically board adoption of CEQA findings.